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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,235	12/18/2001	Michael A. Murphy	1865.1-4	9798
24243	7590	03/16/2004	EXAMINER	
CHARMASSON & BUCHACA & LEACH LLP			WEBMAN, EDWARD J	
1545 HOTEL CIRCLE SOUTH				
SUITE 150				
SAN DIEGO, CA 92108-3412			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FIILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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2123/04

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 11/24/03

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 2-17, 25, 29, 38, 44-61, 65-105 is/are pending in the application.
Of the above, claim(s) 4-17, 25, 29, 38, 44-61, 66-73, 79-89, 98-105 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 2, 3, 74-78, 90-97 is/are rejected.

Claim(s) 65 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.
 received in Application No. (Series Code/Serial Number) _____.
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Applicant's election without traverse of a macrocyclic polyamine with R1-R4 as (Ch₂XCH₂)_n with n=3-6 in Paper No. 11/24/03 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3, 74-78, 90-97 are rejected under 35 U.S.C. 102(b) as being anticipated by Riley et al.

Riley et al teach the complex of manganese II and cyclam (column 47 line 56-57). Treatment of diabetes is disclosed (column 40 line 46).

Claims 2, 3, 74-78, 90-97 rejected.

As to the claimed method of making limitations, they are not considered patentable in method of using claims.

Claim 65 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' IDS, filed 3/19/02, was not considered because the references cited on the accompanying PTO 1449 are not of record.

Any inquiry concerning this communication should be directed to Edward J. Webman at telephone number 517-272-0633.



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